

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YOLMA HAYLETT and KENNETH EASTMOND,

Plaintiffs,

v.

THE CITY OF NEW YORK and BRUCE SUTTON,  
individually and in his official capacity,

Defendants.  
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**ORDER**

15-CV-0223 (WFK) (PK)

**WILLIAM F. KUNTZ, II, United States District Judge:**

On January 15, 2015, plaintiffs Yolma Haylett and Kenneth Eastmond (collectively, “Plaintiffs”) filed their Complaint in this action and issued a Summons as to defendant Bruce Sutton (“Sutton”). *See* ECF Nos. 1, 2. Plaintiffs twice served Sutton with the Summons and Complaint, once on November 12, 2015, and again on April 11, 2016. *See* ECF Nos. 12, 20. After Sutton failed to appear or otherwise answer the Complaint, Plaintiffs requested, and the Clerk of Court entered, a Certificate of Default on May 9, 2016. *See* ECF Nos. 21, 23, 24. Later that same day, Plaintiffs filed a Motion for Default Judgment as to Sutton. *See* ECF No. 25. On May 20, 2016, this Court held a hearing on Plaintiffs’ Motion and directed Plaintiffs to submit a Proposed Order of Default Judgment. Sutton failed to appear at the hearing. Plaintiffs submitted a Proposed Order on May 24, 2016 as directed. *See* ECF No. 28.

On August 8, 2016, this Court referred Plaintiffs’ Motion for Default Judgment to Magistrate Judge Peggy Kuo, who requested additional briefing and service on Sutton. Plaintiffs served Sutton with their Motion and supporting papers on August 25, 2016, and with supplemental briefing papers on September 21, 2016. *See* ECF Nos. 33, 36. On September 30,

2016, Plaintiffs also served Sutton with a subpoena to appear at a deposition, with which he did not comply. *See* ECF Nos. 38, 39.

Given Sutton's repeated failure to appear in this matter or answer the Complaint, this Court granted Plaintiffs' Motion for Default Judgment as to Sutton on the issue of liability on January 26, 2017. Accordingly, the Court's referral of Plaintiffs' Motion to Judge Kuo is moot.

**SO ORDERED.** 

s/ WFK

  
HON. WILLIAM F. KUNTZ, II  
UNITED STATES DISTRICT JUDGE

Dated: January 31, 2017  
Brooklyn, New York